App F IX 4

Previous References
ML 185-35 (3 4, 5)
117-35 (1-7)
26-19 (13 & 15)

Letter References

1936
(ML)

File No 36 36

Serial Nos 6 & 10 A
and 14 (Contains
a sealed
Cover)

GENERAL AND REVENUE SECRETARIAT

Serial Nos Three

Part B for November 1936

SUBJECT

Removal of Mr Mohamed Saut from the office of
Vice President of the Mysore city Municipal Council

SL 14) The Compiler, Mysore Gazette
No L 3158 dated 27-11-36

WD 0418—GPB—22 00—2/8 36

Notifies the ——

Copy to the Press, Mysore

Serial No 6

Letter No ET 626 dated 14-9-1936 from the President City Municipal Council, Mysore stating that the Municipal Council resolved to take action under Section 23(11) of the City Municipalities Regulation against the Vice Pres of the Municipality for neglect of duties depnd to him and that no reply has been received from the Vice President to the letter sent to him requesting him as to what he has got to say in the matter-

1) The President promises to send the reply, if any, received from the Vice President when may be awaited

Rmr 17/9/36

2) In the meanwhile the report of the President as list for perusal

Returned for perusal

The Pres's further report after receipt of reply from the V P may perhaps be awaited as he has asked the V P to send a reply before the 21st inst. It is not clear what orders of Govt the Pres expects from Govt

17/9/36

Ch Secy)

3) Action has been suggested by the Municipal Council under Sec 23(11) of the City Municipalities Regn It is only Govt that may proceed under the said provision of law

Dt 19-9-1936

4) The case made out against the V.P. that he neglected to perform the duties imposed by the President, under s

1) Vice President, Mysore city Municipality

1288
— L

Mr File No 36 of 1936

General and Revenue Secretariat

5) Sec 26 (1) is a fresh and obligatory The V P was bound under that Section & Duty Carry out the duties assigned & him by the Presidt He has failed & do so, for what reasons he does not choose & state The Presidt complains that his letters & the V P asking for an Explan do not elicit any replies That is, so far as the V P's attitude is concerned, and he is clearly in the wrong

6) The circumstances which led the Act Council & take the initiative in the matter are somewhat curious The idea seems & have developed from a move & withhold the allowance given & the V.P & that & passing what practically amounts & a No Confidence motion The Voting on the Subject would seem & already indicate a party Split. It is a pity that such a thing should exist in the Act Council.

7) It is I am a matter for consideration as & whether a notice may be sent & Mr Mohamed Sait & show cause as & why action should not be taken under Sec 23 (1) for his neglect & Carry out the duties assigned & him It may be noted in this connection that the term of the Act Council is nearing its end and the Effect of any orders passed would perhaps be of a temporary disciplinary Value

It is a pity that this is so But I forbear to take any action which would only increase the present tension

MS 24/9

2nd member)

8) It is not clear to me in what—

Vice President, Mysore city Municipality 1286 √1479

General and Revenue Secretariat | Mc File No | of 1936 | [App F III—2

Serial No

respect the Vice President neglected to discharge his duties and whether the neglect was persistent-

9) I should like to see the G.O or other authority under which the allowance is paid to the Vice President-

3/9/36 3/9/36 1/10/36

10 A/S Put up the papers please 1/10/36

11 File Mc 26-19 (13 & 15) Leading to Spl No R 6460-1/Mc 26-19-15 dated 1-12-19 sanctioning a conveyance allowance of Rs 100 p.m. to the Vice President of the Mysore city Municipality as put up as directed Recd 5/x/36 6/10/36

(Dr Secy)

CHIEF SECRETARY 6 Oct 1936

1st Res 6a- From the discussion in the last council it is seen that the neglect of duty relates to the V P's ignoring of the President's order delegating certain functions to him viz, School Board correspondence and Supervision over Sanitary Carriages

13 Re allowance refer invited to Flag W

2nd member) 7/10/36 7/10/36

14 According to section 23 Sub section (11) under which it is proposed to take action it is necessary to afford the Vice President an opportunity of hearing him If he has refused to perform the duties assigned to him by the President and is persisting in such

25549 7 OCT 1936 SECRETARIAT OFFICE BENGALORE

NOTE—Contn Sheet

WD 03594—GPB—30 000—18 7 35

Vice President Supreme City Municipality 1479

(12) 2nd File No 1479/36 of 1936-37 General and Revenue Secretariat

refusal, his conduct cannot be overlooked by Govt Hence A show cause notice may be issued to him fixing a date for hearing

15 The papers may be subs to Hon Dewan

DEWAN'S OFFICE 10 OCT 1936 No 871

9/10/36

Dewan)

16 I agree some note has to be taken of the conduct of the trouble some man - If he can be stopped from office so much - the better

10/10/36

12/10

12/10/36

17 Draft letter to Mr Mohamed Sait submitted for approval — Hon'ble Do 12/10/36

Rmr 12/10/36

18 Draft Notice submitted for approval 12/10/36

CHIEF SECRETARY 12 OCT 1936

Ch Secy) 19 For appl

2nd member) 12/10 13/10/36

SECOND MEMBER OF COUNCIL 13 OCT 1936 No 2685

20 Draft approved by Member

CSS 15/10/36

21 Issue

18/10 Today

17/10/36

Mr Mohamed Sait
No L 2991 of 17-10-36

Reports have to show cause against action being taken under Section 23(11) of the City Militia Regn representations if any being heard at 3 P M on 7-11-36 by the Hon

Vice President, Mysore City Municipality (5)

General and Revenue Secretariat — File No 26 — 1479/I of 1936 — [App F III—2

Serial No

Letter dated 5-11-36 from Mr Mohamed Sait, Vice President, Mysore city Municipality regretting his inability to be present before the II Member on the 7th instant and requesting that another convenient date be fixed for the purpose

22 Submd
Sd D J K
6/11

23 The file may be put up for final orders
Sd N M
7/11

Submitted
Rmr
9/11/36
Sd
9/11/36

(Ch Secy) 24 Dt for orders as to whether the enquiry and the delegation of duties shd be called for
9 NOV 1936
(2nd member)
MK 9.11.36
Sd 9/11/36

Draft GO for approval as personally nominated by Rao Bahadur Seringapatam Subba V Dtp to subn for perusal (Key T)
Sd 10/11/36

25 Draft GO passed by the member is for approval
2nd member & Dewan
MK 11/11

27 Secy 11/11/36

28 Mrs Mas issue nov
MO 11-11-36
MK 12/11
Sd 12/11/36

DEWAN'S OFFICE 11 NOV 1936 No 1312

BEGGNY ... 1/C/1936 No 3328

WD 0417—GPB—80 000—8 9-36

Vice President, Mysore city Municipality

File No 36 of 1936 | General and Revenue Secretariat

Serial No

Letter dated 9.11.36 from Mr Mohamad Sait Hon'ble Vice President Mysore city Mcty / the 2nd member in original Submitting his Explanation and requesting that another Opportunity may be given to offer his personal Explanation

29 Members orders "As marked"
To Chief Sec's work compltd
SD 11.11.36
12.11.36

30 Resd as per personal instructions. The correspondence re delegation of duties placed on the file does not alter the merits of the case
MMS 12/11/36

2nd member)

31 I agree A paragraph may be added to the draft as suggested
MM 14/11/36
MMS 14/11
14/11/36

32 Fair draft submitted
14/11/36

Ch Secy) 33 For perusal.
MMS 14/11

1st member) 34 Seen
14/11
MMS 14/11

35 Issue of print as per D.F. as per Ch Secy's note
14/11/36

To
The President, Mysore city Mcty
Comptroller to Govt
No H 3612-13 dated 14-11-36
Director that Mr Md Sait be removed from the office of the Vice President for neglect of duty -

Vice President, Mysore city Municipality (7)

1479
2

General and Revenue Secretariat — Re File No 36 of 1936 — [App F III—2

Serial No	
36	A draft notification and D F N are submitted for approval Rmr for 16/11/36
37	Put up typed drafts now as revised please 16/11/36
38	Typed drafts submd. for 16 11 36
	For approval 16/11/36
	Ch Secy) 2nd member) 7 21 Signed by Members 16/11 17/11/36
	RLL 17/11/36
	D S N Subd Dewan) 17 11 36
	MS 17-11-36

DEWAN'S OFFICE
17 NOV 1936
No 1441

16 NOV 1936

No 3441

Caxton Street

WD 0617 -GPH—30 000—8 9-36

File No of 193

General and Revenue Secretariat

Serial No

Final Note by the Second Member of Council 8

Subject —

Removal of Mr Md Sait from the office of the Vice President of the Mysore City Municipal Council

These papers relate to the removal of Mr Md Sait from the office of the Vice President of the Mysore City Municipality for neglect of duty

The President, Mysore City Municipal Council, submitted for the information and orders of Government the following resolution dated 29th August 1936 of the Municipal Council -

"Resolved that as the Vice President has shown neglect in the discharge of his duties deputed to him by the President (since declared by the Government to be in order) and has been drawing a conveyance allowance of Rs 100 a month for the last eight months without doing any duty, the President shall take action against him under Section 23(11) of the City Municipalities Regulation and submit the same to Government for needful action"

The President had deputed to the Vice President powers under Section 26(1) of the City Municipalities Regulation in respect of the supervision over (a) hackney carriages and (b) School Board correspondence Instead of carrying out the functions assigned to him, Mr Md Sait questioned the authority of the President to depute these duties to him The proceedings disclosed that Mr Md Sait had not only refused to perform the duties assigned to him by the President but persisted in ignoring these directions notwithstanding the endorsement given to him by Government on his appeal that the Government saw no reason to interfere with the orders passed by the President In accordance with Section 23, sub section 11 of the City Municipalities Regulation, Mr Md Sait was called upon to show cause why action should not be taken under the said Section for his removal and he was required to appear in person before me on the 7th November 1936 and personally explain his case Mr Md Sait failed to avail himself of this chance but sent a lengthy written explanation attempting to justify his action. It was seen that the explanation for the most part referred to matters which have no bearing on the question at issue and his explanation as to the circumstances in which he failed to undertake the duties deputed

9

to him by the President could not be accepted as any justification of his default in this respect

On a careful consideration of all the circumstances, it was clea that the Vice President Mr Md Sait had deliberately and without sufficient justification, failed to perform the duties deputed to him and that he had rendered himself liable to be removed under Section 23(11) of the City Municipalities Regulation The Dewan and the First Member of Council having agreed to this, orders have issued directing that, under Section 23(11) of the City Municipalities Regulation, Mr Md Sait be removed from the office of Vice President of the Mysore City Municipal Council for neglect of duty

Pages 5 & 6 of Memo M

I submit the papers for His Highness' gracious perusal

MEMBER OF COUNCIL

Bangalore,
17th November 1936

10

Submitted to His Highness

I submit herewith a Final Note by the Second *Member of Council* regarding the removal of Mr Md Sait from the office of the Vice-President of the Mysore City Municipal Council, -

for His Highness gracious ~~approval~~ perusal

Mirza M Ismail
Dewan
17-11-36

ON MYSORE GOVERNMENT SERVICE

[To be placed in the file re removal of Mr Ind Sast from office of Vice Pres Devt]

Papers re Conduct of Mr Ind Sast (and Mr M Shankaraya), Municipal Councillor, Mysore City in connection with certain alleged omissions from the Voters' Lists of Nanda & Lashkar Hobalis 31/12/36

Chief Secretary to Government

Appendix F G—1]

SUBJECT

Section

File No

Serial No

Diary No of letter replied to

No

To

General and Revenue Secretariat

( )

the *193*

Date of issue

Signed by

List of enclosures

Copied by

Examined by

WD 03601—GPB—30 000—23 9-35

11

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject

Removal of Mr Mahomed Sait from the office of the Vice-President of the Mysore City Municipal Council

Clear
MS
20-11-36

104

MS
23/11

Order

KRMS
19/11/36

General and Revenue
Secretariat

157

Subject – Removal of Mr Mahomed Sait from the office of Vice-President of the Mysore City Municipal Council

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Circulated to Members of Council for perusal of His Highness orders ~~before/after issue of orders.~~ (*Vide Rules* 31 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure)

Chief Secretary to Government

Through the Secretary to Government

– Department

3393/24/11

FIRST MEMBER OF COUNCIL

25/11

3637/23/11/36 SECOND MEMBER OF COUNCIL

24/11/36

26/11/36

Vice President, Mysore city Mcty

13

General and Revenue Secretariat — Mc File No 36 1479 of 1936 — [App F III—2

Serial No

The Draft notification already approved by the Chief Secy may perhaps be issued now.
Submitted for orders

Yes
26/11/36

Rmr
26/11

4-20
L A REV. SECTT. 14

The Comptroller Mysore Gazette
No L 3938 dated 27-11-36

Directs the removal of Mr Mohamed Sait from the office of Vice President of the Mysore city Municipal Council
No L 3939 dated 27-11-36
Copy to the President, city Mcpl. Mysore

✓
B
28/11

File No	of 193	General and Revenue Secretariat
		Serial No

Draft Final Note

AH W 151
18/11/36

These papers relate to the removal of Ir Mahomed Sait from the Office of the Vice President of the I,sore Citv Municipality for ne,lect of duty

The President, Mysore City Municipal Council, submitted for the information and orders of Government the following resolution dated the 29th August 1936 of the Municipal Council

Resolved that as the Vice President has shown neglect in the discharge of his duties deputed to him by the President (since declared by the Government to be in order) and has been drawing a conveyance allowance of Rs 100/- a month for the last eight months without doing any duty, the President shall take action against him under Section 23 (11) of the City Municipalities Regulation and submit the same to Government for needful action.'

and reported in his letter dated the 14th September 1936 how Mr Mahomed Sait was trying to evade taking delivery of the letters sent to him Muddam in this connection He added that the letters had been sent by registered post and that the reply, if any, received from Mr Mahomed Sait would be promptly submitted

The proceedings disclosed that Mr Mahomed Sait had refused to perform the duties assigned t him by the President and was persisting in such refusal As such, his conduct could not be overlooked by Government. According to Section 23 — Sub Section 11 of the City Municipalities Regulat under which it was proposed to take action, it wa

was necessary for Government to afford Mr Mahomed Sait, the Vice President an opportunity of hearing him With the approval of the Dewan, a show cause notice was therefore issued to him fixing the 7th November as the date on which he would be heard by me in my Chambers

In response to this, Mr Mahomed Sait sent a letter dated the 5th November 1936 pleading inability to be present on that date on the ground that he had a Fateha ceremony to attend on that very day and requesting that another convenient date may be fixed On the 9th November 1936, however, Mr Mahomed Sait submitted a note of explanation which refers for the most part to matters which have no bearing on the question now at issue His explanation of the circumstances in which he failed to undertake the duties deputed to him by the President could not be accepted as any justification of his default in this respect

In the meantime the file of papers relating to the deputation of powers to the Vice President were got from the President, Mysore City Municipality and looked into After a perusal of this file and the other records connected with this case and on a careful consideration of all the circumstances, it was clear that the Vice President Mr Mahomed Sait had deliberately and without sufficient justification, failed to perform the duties deputed to him and that he had therefore rendered himself liable to be removed under Section 23 (11) of the City Municipalities Regulation The First

Mr Mahomed Sait was called upon to show cause why action should not be taken under the said Section for his removal, and he was allowed to appear in person before me on the 7th Nov and personally explain his case Mr Mahomed Sait failed to avail himself of this chance but sent a lengthy written explanation in attempting to justify his action It was seen that the reasons for the most part related to matters which have no bearing on the question at issue and his explanation as to the circumstances in which he failed to undertake the duties deputed to him by the President could not be accepted as any justification of his default in this respect

16

First Member and the Dewan having agreed to this, orders have issued directing that, under Section 23 (11) of the City Municipalities Regulation, Mr Mahomed Sait be removed from the Office of Vice President of the Mysore City Municipal Council for neglect of duty

I submit the papers for His Highness' gracious perusal

SECOND MEMBER

16/11/36

CONFIDENTIAL

1288

OFFICE OF THE PRESIDENT
CITY MUNICIPAL COUNCIL MYSORE

Dated September 14 1936

M 36-36-6

REV SECTT

SREENIVASAN ESQ BA
PRESIDENT CITY MUNICIPAL COUNCIL
MYSORE

15 SEPT 1936

The Chief Secretary to
the Government of His Highness the Maharaja
of Mysore Bangalore

Sir

I have the honour to forward herewith an extract of proceedings of the meeting of the Municipal Council held on the 29th August 1936 wherein a resolution was passed that action may be taken under Section 23(11) of the Municipal Regulation against the Vice-President of this Municipality for neglect of duties deputed to him in the circumstances referred to in the Resolution and the proceedings As the Vice-President was absent from the meeting on the ground of illness and the Section provides for an opportunity to be afforded to the officer to state what he has to say a copy of the resolution was sent to the Vice-President with this office letter No G T 533 dated 4th September 1936 -- copy of which is herewith enclosed -- requesting him kindly to let me know if he has anything to say in the matter The letter was delivered to Mr Mohamed Sait Vice-President at 1-45 P M on 5th September 1936 In signing the acknowledgment slip however Mr Mohamed Sait entered the date and hour of delivery as " 6-8-1936 at 3 P M " The delivery slip was brought back by the delivery peon to the office at ? P M that day and a further letter copy of which is enclosed herewith was addressed to Mr Mohamed Sait pointing out the error This letter however could not be delivered to the messenger in spite of efforts and was therefore sent by Post on 10-9-1936 and has not [redacted]

16

On 6th September 1936, however a letter dated 6-9-1936 was received from Mr Mohamed Sait -- copy enclosed -- asking for a full and verbatim shorthand report of the proceedings to enable him to furnish his reply A copy of the full and detailed minutes of the proceedings of the meeting concerned was sent to him with this office No G T 571 dated 9/10th September 1936 -- copy enclosed But as the delivery peon was unable to make delivery of this letter and reported that he had been asked to come later on this was also sent to Mr Mohamed Sait by Registered Post on 10th September 1936 Mr Mohamed Sait however sent a reminder for these proceedings on the same day and was informed in reply -- copy enclosed - of the circumstances in which the proceedings could not be delivered to him earlier and had been sent by registered post

Up to the time of the writing of this letter I have not received either the acknowledgment of the registered letter or Mr Mohamed Sait's reply thereto and have just sent him a letter requesting him kindly to send me his reply if any before the 21st instant

since received & placed below

I shall submit promptly the reply if any received from him in response to this request I am in the meanwhile submitting the resolution and the connected papers for the information and orders of Government

I have the honour to be

Sir

Your most obedient Servant

M A Rahman Khan

PRESIDENT.

Copy of letter no G T 533 dated 4th Septemoer 193o from the President City Municipal Council Mysore to the Mr Mahomed Sait Vice-President, City Municipal Council Mysore

I send herewith a copy of the Resolution passed by the Municipal Council at their meeting held on the 29th ultimo resolving that action be taken against you under section 23 (11) of the Mysore city Municipalities Regulation 1933 as stated therein

I request you kindly to let me know if you have anything to say in the matter before the Resolution is submitted for orders of Government

I request the favour of your reply before the 12th instt

'' Copy''

PRESIDENT

4th September 1936

G T 533
Enc: One

To

Mahomed Sait, Esq,

Vice-President, City Municipal

Council, Mysore

Copy of letter no G T 536 dated the 5th September 1936 (1 45 P M) from the President City Municipal Council Mysore to Mr Mahomed Sait, Vice-President City Municipal Council Mysore

The delivery peon Pasha who carried this office letter no G T 533 dated 4th September 1936 to you and says he delivered it to you at about 1 45 P M today has brought back the acknowledgment slip initialled by you which however is dated(6-8-1936, at 3 P M) over your initials I presume that both the date and hour have been wrongly entered by oversight and that you duly received the letter no G T 533 dated 4-9-1936 at 1 45 P M today as reported

I shall be obliged if you will let me know if this presumption is incorrect

'' Copy '

President

2/2

Letter dated 6th September 1936 from Mr Mahomed Sait Vice-president, City Municipal Council Mysore to the President City Municipal Council, Mysore

In reply to your letter no G T 533 dated 4th September 1936 sending me a copy of a Resolution passed at a meeting of the [illegible] Council and requesting me to let you know if I have anything to say in the matter I request you to be so good as to send me a full and verbatim shorthand report of the discussion on the subject at your earliest I was unable to be present at the [illegible] meeting and you will kindly see that it would not be possible for me to say anything until I see the full proceedings

I request the favour of your reply before the 8th instant

'' Copy''

PRESIDENT

23

Letter no G T 571 dated 9th/10th September 1936 from the President City Municipal Council Mysore to Mr Mahomed Sait Vice-President City Municipal Council Mysore

In reply to your letter of the 6th instant I send herewith a copy of the minutes of Proceedings of the Council meeting held on the 29th ultimo which I trust will enable you to send your reply if any before the 12th instant as requested

I may add that no fuller and verbatim shorthand report is available other than the full minutes of the proceedings herewith sent

'' Copy''
President

Mohamed Sait
Vice-President

City Municipal Office
Mysore

10th September 1936

To
M A Sreenivasan Esq
President City Municipal Council
Mysore

Sir

May I remind you about my letter dated 6th September 1936 requesting you to kindly send me a full report of the discussion on the subject in question in your letter of the 4th instant

Thanking you

Yours faithfully

Sd Mohamed Sait
Vice-President

" Copy "

M A Sreenivasan
President

Copy of letter No G T 585 dated 10th September 1936 from the President City Municipal Council, Mysore to Mr Mohamed Sait Vice-President City Municipal Council Mysore

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" With reference to your letter of date re the minutes of proceedings in re subject referred to therein I write to state that a copy of these proceedings was sent to you at 7-15 A M today through peon Khaderbeig with this office letter No G T 571 dated 9/10th September 1936

Khaderbeig reported that he did not find you at home when he went in the morning nor when he called at your residence some time after and that he waited for you at your residence till about 2 P M today He further stated that he met you while returning home near about Archgate and represented to you that he had brought covers from the office for being delivered to you but was asked to bring them later on

In order to avoid delay the said ~~a~~ letter with the copy of proceedings referred to above was sent to your address at about 2-30 P M today by registered post

Another letter viz letter No G T 536 of the 5th inst referring to the wrong entry of date and hour made by you under your initials in this office acknowledgement slip No G T 533 of the 5th instant has also been sent to you this day by registered post as the letter was received back undelivered "

" Copy "

PRESIDENT

roceedi gs of t e[3rd] Ordinary Meeting of the Kyeore City Municipal Council held in the Council Hall on Wednesday the 26th August 1936 at 4 p.m.

---

x x x x x

Subject No 65 Resolution to be moved by Messrs Thomas Abraham, Municipal Councillor, vide his letter dated 14-3-1. has shown neglect in the discharge

Resolved that as the Vice-President of his duties delegated to him by the President (since declared by Government to be in order) and has been drawing a Conveyance Allowance of Rs.100/- a month for the last eight months without doing any duty, the President shall take action against him under Section 11 of the Municipal Regulation and submit the matter to Government for needful action"

In moving the resolution, Mr X X Vellan explained that the Conveyance allowance under the existing Rules is to officers and officials for the performance of certain duties. The Vice-President who has been in receipt of Rs.100/- per month was required to discharge certain duties delegated to him by the President in January last (1936) delegating to the Vice-President certain duties viz., supervision of School Board Correspondence and General Supervision of the Conservancy Carriage sent on in his item dated January 1936 the Vice-President disregarded the authority of the Municipal Council under which the President had power to delegate or withdraw the power to the Vice-President and he did not carry out the duties delegated to him by the Council for the reason that the Vice-President had power to delegate and withdraw the duties assigned to the officers and officials of the Municipality owing to the Municipality being responsible for the efficient administration of its powers. It was unquestionably the duty of the Municipal Council to withdraw the duties assigned to officers of the Municipality for the proper administration of all departments of the Municipality was responsible. Further the Vice-President, in exercising the powers of the President sought the decision of the Government in the matter, whereupon, the Government had

[illegible] a resolution [illegible] should [illegible] a [illegible] decision [illegible] therefore moved an amendment seconded by Mr Thirumalai Naicker which was as follows:-

"Resolved that the Vice-President be given an opportunity to explain his conduct and that this subject be deferred to next month for this purpose"

Concluding, he said that the Council should rather stand by him who had rendered very valuable service than supporting such a malicious resolution as the one before the House.

Mr Parthasarathy also opposed the resolution. In echoing the views of the previous speaker, he said that the resolution before the House was wrong. There appeared to him to be a good cause for the Vice-President for not doing the duties assigned by the President, as there was difference of opinion between him and the President regarding the validity of the action of the President in this regard. He observed that there might be loop holes or shortcomings, but such things should not be allowed to come before the house, and such things should be smothered. Instead, a resolution had been tabled alleging neglect of duty on the part of the Vice-President, which in his opinion, was the outcome of malice and prejudice.

Regarding the delegation of powers etc., he said that even the Council had not power to revise the law and in the circumstances the President had much less power to exercise any action under existing rules; he President had erred in not placing the subject before the Council for their opinion -- until to-day, and this was neglect of duty on the part of the President, and not on the part of the Vice-President.

Referring to the allowance, he observed that the conveyance allowance and be drawn by the Vice-President as an allowance attached to the office of the Vice-President, and for doing inspection work and it cannot be taken as an allowance for doing any such. Concluding, he said that since the Vice-President had done good service to the Municipality, the resolution could not be supported.

Mr. C. Thangappa opposing the resolution said that such a

99

resolution empowering the Vice-President for discharge of duty under section 23(11), when he was unfortunately absent from indisposition, without affording him an opportunity calling for his views in the matter, was quite wrong. He observed that Mr Mohamed Sait in the first place was an elected Councillor of Madurai Corporation for 25 years, and he had earned the confidence of the rate-payers, besides being a well known merchant; he was a rich man not aspiring for this little allowance that the Council sanctioned to him, but for the honour and prestige associated with the office of the Vice-President. During Mr. B.J. Keswamy Aiyangar's time, he did his work very well and earned the appreciation of the Council. But, since 4-9-1935 the President took away certain departments entrusted to him, and made him a non-entity. And the President under the rules could only delegate or withdraw the powers with the general or special orders of Government, and this kind of playing with the powers given to the Vice-President was curtailed by the new legislation. When such was the situation, Mr Mohamed Sait questioning the President's action and it was not known if it met with any reply. The Vice-President had also appealed to the Councillors to safeguard his honour as non-official Vice-President, and his friends did not help him.

Regarding the work required of the Vice-President, Mr.H.C. Basappa said that the Vice-President had been round the City for inspection work, and as he had really done good work during the time of Mr. Somasundaram, for instance, for the first time, he got the Councillors' Room furnished. He did very good work in the market. If it were found that he had not done the duties properly, the Council had to gain to bring a No-Confidence motion to remove him by a majority vote -- thus exercising the power vested in them -- instead of asking Government through the President to take action according to section 23(11), which indirectly held Government to lower the prestige of the Councillors. He therefore opined that such a resolution might not be allowed to be passed

He regretted to note that the President had admitted the above resolution when one his resolution sent in time - stating - that the action of the President regarding the delegation and withdrawal of powers to the Vice-President was "ultra vires" and not been included in the agenda.

Mr. Sitaramaiah observed by saying that it was a matter of deep regret to him that circumstances should have given rise to such a course of action as was proposed to be taken against their non-official representative replying the previous speaker, he said that he could not see how there was any neglect of duty on the part of the President, whose action was perfectly authorised and correct and had been rightly upheld by Government; but the Vice-President had neglected his duty and thus had placed the prestige and honour of the Council at stake -- and there had arisen an occasion for calling upon the Council to safeguard their honour as well as that of the rate-payers.

In the first instance, the Vice-President had erred in not bringing the so called differences of opinion between him and the President, if any, before the Council before it did anything or went anywhere else. On the other hand, resolutions and interpellations had been got moved in the Representative Assembly and Legislative Council, and last, Government had been approached for a decision instead of the responsible body viz., the Council -- that elected him as Vice-President. Thus throughout, it appeared to him, that the course of action pursued by the Vice-President was most unconstitutional and irregular. Now the Government had dismissed his appeal, and the Council could not do anything in the matter as the ruling of Government was authoritative and final in respect of this matter, and a discussion of the decision would be uncalled for. In the circumstances, the only course left open to the Vice-President was either that he should have resigned his office and sought for re-election or to discharge the duties the President had asked him to. Whether he should not have drawn his allowance when he was

not discharge the duties under the assumption that he Vice-President had no authority to assign the duties to him in the period If he was of that opinion he should have refused to receive the allowance as well Therefore, the resolution tabled was quite in order and had to be supported in the interests of the prestige of non-officials, and the case Re: Mr Valiulla's amendment he observed that it was quite unnecessary as the section 23(11) itself clearly stated that an opportunity should be afforded to the Vice-President to say what he had to say in the matter

Mr A.Krishna also observed that if the Vice-President had thought that the honour and respect of the non-official, the Vice-President had been endangered he could have adopted a different and a more constitutional course of action As matters stood, in the first place, he showed his disrespect to the Council that elected him as Vice-President, by not referring the matter to the Council at the very beginning Secondly, he had made the Council contemptible by appealing to the Government ignoring the existence of the Council, and getting an order dismissing his contention and interpretation. The Council could not interfere with that order at this stage. Further, his assumption that the President on whom the responsibility for all departments of Municipal administration rested had no power to withdraw or delegate duties to him, his non-performance of the duties, framing the allowance without discharging the duties, was quite wrong, and amounted very clearly to neglect of duty When this was the situation, there would be an impression outside the Council and in the City that the respect and prestige of the non-official had not been maintained by the Council's elected representative.

In reply to the observations of a member who stated that the Vice-President went out on inspection and as such the charge of neglect of duty was not in order, Mr Krishna also said that other Councillors also went round their and other Mohallas in the City, and sometimes visited the office, but they did not get an conveyance all names the payment of

conveyance Allowance to the Vice-President was for some specific duties required to be discharged by him under the Regulation and that there was neglect of these duties quite evident. If as stated by the previous speaker allowance had been meant only for Kandalla inspection tour, that was being attended to by every Councillor, then every Councillor would be entitled to such an allowance.

Regarding the contention of some of the members that the President's action in his case was wrong, Mr. Krishna said that there was the Government who were the final authority in this matter and who had clearly set the contention at rest approving of President's action, and hence the above contention was untenable.

Concluding, he said as he would be the first one to stand by any reasonable fight to the end in the cause of honour and prestige of the non-official Council, in the instance of the Vice-President's action being otherwise and against rules and not creditable to the Council's and non-official's prestige and honour, the resolution brought before the House was inevitable.

Mr. A. Krishna has also pointed out that the Vice-President in any case would be given an opportunity to say what he respectfully of the action to be taken against him.

At this juncture, Mr. K. Krishna moved for closure which on being put to vote was lost.

Mr. Mohamed Ghouse further continuing the discussion opposed the action of the Vice-President's action, and opposed the resolution by saying that it was unfair to pass a resolution against the Vice-President. He said that as the salary of Rs.100/- to be honour associated with the office of the Vice-President was nothing to Mr. Bahadur Shah and that he was requested to resign his office at once.

Mr. M. Shankariah recalled to the House the good services rendered by the Vice-President while presiding over the House. Endorsing the views expressed by the previous speaker, he said that the Vice-President had done all as stated by him --

supporters of the resolution, and had waited for reply his appeal made to his friends, otherwise he would have resigned his office long ago In the absence of a reply to his memo, he considered it a dishonour to resign his office as such, to charge him with the neglect of duty was unfair the resolution should not be supported as such a charge of neglect was more applicable to the Councillors who did not reply to his appeal made to them

Regarding the allowance, he observed that the allowance was only attached to the office of the Vice-President and was not granted for any work required to be done by him, as such the resolution was out of order, and it had been brought in with a prejudice

Mr V Lingappiah speaking in favour of the proposition, said that if the Vice- President had any difference of opinion regarding treatment he could have referred the case to the Council who was the superior body next to him This he had not do, but appealed to Government a step which undoubtedly reduced the prestige of the Council in the eyes of the public If he had referred the case to the Council, then if they had agreed with the stand taken by the Vice-President (~~with the stand taken by the Vice-President~~) and disagreed with the President's course of action they might have all rallied to protect the cause of the non-official, if it was really at stake, in their opinion. Further he objected to the Vice-President's drawing the Conveyance Allowance without discharging the duties assigned to him.

He proposed an amendment duly seconded by Mr.D.Vishwanath Vishwanathing that the figures "23" might be inserted between the words "Section" and "appearing in the resolution. Concluding, he observed that the Vice-President should resign his office and retrieve the lost honour and prestige of the Council as a last resort

Mr.K.V.Ramakrishnaiah accepted the amendement proposed by Mr.Lingappa and said that what he had meant was Section 1

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of the Act 23

The Nominated Member Mr Ramaswamy observed that the course of action taken by the Vice-President was most unconstitutional, which indirectly reduced the position of the Council to a nullity. In future at least, if the Vice-President were to discharge the duties assigned by the President the allowance might be paid-- otherwise action would be taken under the law and rules as proposed

Mr C Narasimhaiah said that the Council should fight for the protection of its position and honour in a most constitutional way, and regretted very much the emergence of a resolution as the one before the House He said that the question of the validity of the President's action might have been taken up in a different way - than the means adopted in the present instance, which had jeopardised the honour of a respectable non-official body

He expressed that Mr Mohamed Ismail should not be confused with the Vice-President, and that the subject before the House was in respect of the office of the Vice-President and the performance of duties required of the honourable member who held that office, and had nothing to do with personalities He said that these were days when the people were agitating for non-official Presidents to govern the Local self-governing bodies, and now there was a chance to the Government and to others to point out an instance in which a non-official body had not been vested to have an elected Vice-President to discharge the duties assigned to him

Continuing he said that Mr Mohamed Ismail was his personal friend and he knew how he was a rich man, a shrewd and a wealthy merchant (as stated by some members) who would not care for the money or prestige attached to the office of the Vice-President But he regretted to note the action of the Vice-President in not respecting the Council that elected him, and secondly drawing the conveyance allowance while discharging the duties required of him, even after the receipt of the Government order in reply to his appeal to them while

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his posi' on wrong and upholding the 'cti n o' he Presi this kind of wrong procedure had led to all kinds of talk outside t e Council in the City, quest ioning the Councillors a out the justifica ion of the Vice-resident drawing the allo ance without performing the d ties expected of him nd they had to bend their heads and as such the resolution before the house was qui e in order, and if he Vice-Presid y were to discharge his duties the Council would ~~be~~ perhaps have been glad even to enhance the allowance to Rs 200/-. He also criti[a]sed the resident for not having taken action under the law, as it was wholly w thin his power to do and pointed out that Mr. Allulla's amendment was quite unneces ary.

he mo ion for closure was moved by mr ^ Ma-adim ian seconded by Mr P Sitaramiah and ca ried Thereupon, the Vice being called upon to reply sa d that he Conveyance allo ance sanctioned to the Vice-resident was n t just an honorarium attached to his office as had been wrongly m and by some members, but it was granted for discharging certain duti s req ired of him, as conditi ned by clear ul s governing the payment of conveyance allowance In the present case, Sin e it was noticed that he Vice- resident had drawn the conveyance allowance contrary to he conditions, it was felt fit case for being brought to the knowledge of the Council for taking action under section 43(1) of the Municipal Regulation, regretted to note the nasty and improper ex,ressi used by some members attributing motives nd ill-feeling as the basis for t e ori in of t e res lution e examined had n t ing personal against the member concerned He con luded saying that he Vice- resident's allowance could even be wou led if he was justified in claiming it.

Thereupon the two amend/ments b fore he house were put to vote with the following results:-

The following amendment of Mr.Mohamed Vali lla was first put to vote and lost -- 8 voting for and 11 ag inst.

"Resolved that the Vice- President be g ven an opportu ni

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to explain his conduct and as to why a suitable penalty should not be imposed upon him. The matter may be taken up for consideration at the next meeting of the Council for this purpose.

For 9

Messrs.
P.C. Appanna
Somaraiyappa
Shamsundariah
Mohammed Valiulla
Ahamed Khan
Mohamed Ghouse Peer
Nusrain Ali
A.Jain.

Against 11

Messrs
V.Lingappiah
A.R.Venkatasubbiah
Krishna Rao
S.Vishwanathaiah
K.Nandy Gowda
V.Narasimhaiah
V.Venkatesaiah.
A.Sitaramaiah
Mrs.Gowramma Ramaswamy.
A.R.Krishna Rao
S.Krishnaswamy Rao.

Neutral.

Messrs
M.C.Thammaiah
Madhava Rao Poovar
The President

The amendment of Mr.V.Lingappiah to insert the figure "23" between the words "section" and "11" occurring in the resolution being also accepted by the mover was next put to vote and carried

Mr.R.Venkatasubbiah's resolution as thus amended was put to vote and carried, eleven voting for and seven against, the resolution as passed being as follows:-

"Resolved that as the Vice-President has been absent in the discharge of his duties deputed to him by the President (since declared by the Government to be in order) and has been drawing a conveyance allowance of Rs.100/- a month for the last eight months/ without doing any duty, the President shall take action against him under section 23 (11) of the Municipal Regulation and submit the same to Government for needful action".

For 11

Messrs
A.R.Venkatasubbiah
V.Narasimhaiah
S.Vishwanathaiah
K.Nandy Gowda
A.Krishna Rao
Krishnaswamy Rao
Mrs.Gowramma Ramaswamy
Lingappiah
Narasimhaiah
Krishna Rao.

Against 7

Messrs.
P.C.Appanna
Somaraiyappa
Mohamed Valiulla
Shamsundariah
Mohamed Ghouse Peer.
Mohamed Khan
Nusrain Ali.

Neutral

Messrs.
M.C.Thammaiah.
M.K.Madhava Rao Poovar
The President

OFFICE OF THE PRESIDENT
CITY MUNICIPAL COUNCIL, MYSORE.

Dated September 24 1936

From

M A SREENIVASAN Esq BA
PRESIDENT CITY MUNICIPAL COUNCIL
MYSORE

CHIEF SECRETARY 26 SEP 1936

24/9/36

12 SEPT 1936

1479

The Chief Secretary to
the Government of His Highness
the Maharaja of Mysore Bangalore

Sir

In continuation of my letter No G T 626 of the 14th instant I have the honour to forward herewith a copy of letter dated 21st September 1936 received from Mr Mohamad Sait in reply to my letter No G T 571 dated 9/10th September 1936 which has been acknowledged on the 16th instant

I request the favour of early orders of Government in the matter

I have the honour to be
Sir
Your most obedient Servant

M A Sreenivasan
PRESIDENT

ENC 1

P S

A copy of the reply sent to Mr Mohamed Sait to his [redacted] 21st [redacted] also enclosed

38.

Mohamed Sait
Vice-President

City Municipal Office,
Mysore

21st September 1936

To

M A.Sreenivasan Esq B A

President

City Municipal Council

Mysore

Sir

I thank you for your registered letter No G T 571 of 10th September 1936 which reached me on the 16th instant and the enclosure being the copy of the minutes of the proceedings of the Council meeting on subject No 65 and your subsequent reminder dated 14th September 1936 which was also received on the 16th inst

As regards your asking me to let you know if I had anything to say re the same I request you to kindly let me know under what provision of the City Municipalities Regulation you are calling upon me to do so

Thanking you

Yours faithfully

Sd/-Mohamed Sait

Vice-President

21/9

" Copy "

M A Sreenivasan

PRESIDENT

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M A Sreenivasan
President

City Municipal Office
Mysore
September 24 1936

To
Mohamed Sait Esq
Vice President
City Municipal Council
Mysore

Sir ,

In reply to your letter of the 21st instant I write to invite your attention to my very first letter No C T 533 dated 4th September 1936 to you in the matter which clearly indicated the provision of the Municipal Regulation in question

As however I have not yet been favoured with your reply if any in the matter in spite of the time allowed the resolution and the connected papers together with your last letter under advertance have been submitted to Government for orders

Yours faithfully

Sd/- M A Sreenivasan

PRESIDENT

" Copy '

for PRESIDENT

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No L 2991 Bangalore Dated 17th October 1936

From Re 86-36-7

The Chief Secretary to the Government of His Highness the Maharaja of Mysore

To

Mr Mahomed Sait
Vice President City Municipal Council Mysore
(through the President City Municipal Council Mysore)

Sir

It has been brought to the notice of Government that you have refused or neglected to perform the duties deputed to you by the President of the City Municipal Council, Mysore and in accordance with the Resolution passed by the Municipal Council in the meeting held on 20th August 1936, the President has moved the Government to take action -- under Section 23 (11) of the Mysore City Municipalities Regulation of 1933 You are required to show cause why action under the said section should not be taken against you

Any

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Any representations which you may wish to make in the matter will be heard by the II Member of Council in his Chambers at the Old Public Offices Bangalore on Saturday the 7th November 1936 at 3 1 M

By Order

For Chief Secretary to Govt

c n 2

Appendix F G—1]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the 193

Date of issue 17/10/36

Signed by

List of enclosures

Copied by

Examined by

Section Me

File No 36—36

Serial No 7

No L 2991

To

Mr Mahomed Sait,
Vice President
Cs-Mt Council Mysore

Thro

The Presdt,
C & C Mysore

Whereas it has been brought to the notice of Govt that you have refused or neglected to perform the duties depated to you by the Presdt of the C & C Mysore and Whereas the said President has in accordance with the Resolution passed by the Mt Council in the meeting held on 29th Aug 36 The President-I have the first to take action under Sec 23 (1) of the Mysore Cs- Rules by

of 1933 (4) you are required to
Show cause why Action under
the said Section should not be
taken against you
& wish to make in Any representations which you may
the said matter ~~Cause~~ wish be heard
by the II Member of Council in
his Chambers at the Old Public
Offices Bangalore on Saturday ~~the~~ 7th Nov 1936
at 3 P M

By order

MWS 12/10/36
Chief Secy to Govt

12/10/36

12/10/36

Mohamed Sait
Vice President

Mr 31-36-8

City Municipal Office
Mysore

4th November 1936

TO
The Chief Secretary to the Government of His Highness
the Maharaja of Mysore,
Bangalore

By Regd Post
6 NOV 1936

Sir,

As I have got a ceremony (Fateha) to attend on the 7th instant, I regret my inability to be present before the II Member of Council on that day to offer my explanation in the matter of the resolution passed by the Municipal Council re neglect of duties I request you to be so good as to fix any other convenient date when I will present myself before the II Member of Council

I beg to remain,
Sir,
Your most obedient servant,
Mohamed Sait

IA Sait

2nd reminder

MS 6/11

The file may be put up for final orders

Orders 7/11/36 MS 7/11 L 9/11/36

OFFICE OF THE
SECOND MEMBER
12 NOV 1936
No. M 621

Me 36-36-9

From

Mohamed Sait, 12/11/36

Hon Vice-President

City Municipal Council,

Mysore

To Chief Secy with compliments

To

The Second Member of Council

to the Government of H H the Maharaja of Mysore,

Bangalore

Sir,

In reply to the letter No L 2991, M1/36-37 dated 17th October 1936, by the Chief Secretary to the Government of H H the Maharaja calling upon me to show cause why action under s 23 Cl,11 of the Mysore City Municipalities Regulation of 1933 should not be taken against me I wish to submit the following explanation which I pray may be considered sympathetically, and I beg to express my best thanks to Government for having given me this opportunity

Before going to the actual subject matter of the dispute I may be permitted to state the facts preceding the origin of the dispute In the year 1931 the then President deputed to the Vice-president powers over the following seven sections in his memo dated 2nd July 1931

1 Markets
2 Water Revenue Section
3 Sewage Farm
4 Hackney Carriage
5 Avenue and Parks
6 Town Hall, and
7 School Board Correspondence

Mr M Ramaswamy was then the Vice-president and he continued to ~~exercise~~ exercise powers over the above sections until my election as Vice-president in the beginning of 1934 It may be noted that by that time the new City Municipalities Regulation

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Regulation had come into force It contained certain important changes over the previous regulation By virtue of the General Validating clause S 2 of the new Regulation all orders made prior to and subsisting at the time of the new Regulation were validated It meant that so far as the powers the Vice-president has to exercise the deputation of the powers made earlier was are deemed to have been made under the new Regulation

In the new Regulation there was a vital change introduced to regulate the manner in which the deputation of powers to the Vice-president could be made In the old Regulation it was left to the complete and unfettered discretion of the President to depute powers in any manner he pleased The new Regulation, however, introduced a fresh clause qualifying the powers of the President to depute as herein underlined, S 46 Cl (1) It shall be the duty of the Vice-president of a Municipal Council to exercise such of the powers and perform such of the duties of the President as the president from time to time deputes to him in accordance with the General or Special Orders of the Government issued in this behalf "

The clause underlined did not find a place in the old regulation I learnt that the object of introducing such a clause was two-fold One , to see that there was some principle or policy in the matter of deputation and that the Honorary Vice-president who was an Elected Representative of the Council should not become a victim of any arbitrary actions of a president who could withdraw or depute according to his likes and dislikes The other reason was perhaps that the President should not obsolve himself of his responsibilities by deputing powers which he should reserve to himself having regard to his own particular responsibilities under the Regulation

When I took charge as Vice-president I continued to exercise the powers over the above seven sections under the Presidentship of Mr B T Keshave Iyengar I have been a Municipal

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Municipal Councillor for the last 20 years and in that capacity have been taking an active interest in the Municipal administration I entered upon my task as Vice-president with a great deal of earnestness and zeal without losing the slightest time I put my shoulders to the task The Devaraj Market was in a chaotic condition both as regards the arrangements of stalls and sanitation It is not for me to say what success attended my efforts I used to work from 6 in the morning till late at night in the market excepting for the hours required for attending office and to the other sections under my charge People know how I gave up all other private work and engagements The Devaraj Market, which respectable people hesitated to enter formerly, became the central object of show and people came from Bangalore City and Cantonment and other places to visit the same The first market show was organised by me and it was presided over by the Dewan Saheb I took the same interest in Parks The old slaughter house area which was the worst plague spot in the city was converted into a lovely Terrace garden - all without any additional expenditure I need hardly say that it took a great deal of my time and energy for months So also with regard to the sewage Farm, where the system of direct sales in the market and other improvements resulted in a substantial increase in the revenue from the Farm I regularised the collection of arrears of water revenue I have ventured to narrate a few of these only to show that I whole heartedly devoted myself to the task entrusted to me and that I did not find the duties over seven sections too heavy or onerous Besides those duties I found enough time to attend to my duties as member of the Trust Board and other wise cooperate with the president Whatever I may be found fault with, I surely cannot be accused of neglect of duties In fact, I am inclined to throw a challenge to show whether any other person could point out to the same record of work within such a short time I may be permitted to add that I had the heartiest cooperation and encouragement of the President Mr B T Yeshwant Iyengar during

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during the whole period If there was any complaint against me it was that I was overworking myself both to the detriment of my business and health When such was the case during the regime of Mr Keshave Iyengar how could there be any question of my ~~regular~~ neglect of duties of my office after the present President came to the office? The Vice-president remaining the same, and continuing to work in the same enthusiastic manner, the reasons for the alleged non-performance of His duties have to sought elsewhere

I may be permitted to submit a few words in the matter to show that in any case the blame cannot be laid at me door Not long after the new president took charge, and just a few days before the Birthday celebration of His Highness the Maharaja of Mysore the sweepers went on strike They had some grievances of their own It was quite possible for the president to have taken my cooperation as well as those of the Councillors but he seems to have summoned the aid of some gentlemen who were supposed to have influence with the sweepers The strike, however, persisted and the Birthday was hardly a couple of days ahead I wanted to volunteer and make an attempt I met the then District Superintendent of Police, who welcomed the idea and he phoned to the District Magistrate who equally welcomed it I then met the President at home who said the idea was O K , and together we drove to the District Magistrate, Mr Keshave Iyengar and with his permission I left to the sweepers' Keri There I spoke to them and was able to see that they called off the strike unconditionally The District Magistrate had his inspection of the Taluk Katchery and there the Superintendent and I met him, wherefrom we drove round the city to see if the sweepers had returned to duty We met the President at the Ayurvedic and Unani College and there he openly thanked me for the services I had rendered We also came to the understanding that the sweepers

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sweepers should not be ~~xxxxxxx~~ visited with any punishment at the time and that later if on enquiry if any one was found to have deliberately set them up, individual action could be taken against only such of them On the next morning I was given to understand that some people were marked absent for having come at the usual hour on the ground that they had not come earlier and they were being taunted for having listened to the words of the Vice-President and not th of the Health Department and told that they had better take their wages from the Vice-president The Dewan Saheb was to come at 12 noon that day I went to the President in his office here he was taking certain mutcholikes from the leaders of the sweepers The moment he saw me he flared up against me and used strong language and was not willing to listen to me I then saw the District Magistrate to whom I explained matters and proceeded to the Dewan Saheb's bungalow here he was expected The President was also there As soon as the Dewan Saheb came the first question was no doubt, about the strike and the President said that the strike had been called off and was adding a 'but' when he was taken into the sitting room What happened inside I cannot say but the result of it was that I was sent for when the President was still there The Dewan Saheb was pleased to remark that I was at the bottom of the mischief and responsible for the strike It came ~~to me~~ as a shock to me who had worked hard in the best interests of the city and to maintain its reputation and to avert an ugly situation at a critical time There was no other explanation for such a remark to fall from the lips of the Dewan Saheb except that the President should have given him an incorrect version of the strike I in my letter dated 12th June 1935 to the Dewan Saheb explained my position The then District Magistrate and the then District Superintendent of Police are there to bear witness to my part in the strike and I am anxious that I may be judged after hearing them also Let me also add that in the report the President gave to the Council about the calling off of the sweepers' strike

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strike, while he gave handsome compliments to the municipal staff and all else, he had not a word to say in my favour have narrated this episode only to show what attitude the President took towards me almost from the start

The next matter I beg to refer is the question of disqualifying me from my membership of the council itself As Vice-president of the Municipal Council I was attending the office every day without failure and there are records to bear out my statement The President seems to have sent a notice under S 12 Cl(2) (e) of the Regulation and the said notice seems to have been served on some one else Though I was in the office and was meeting him almost every day, the President never informed me about the demand of arrears of taxes Nor did any official of the Revenue section inform me though I was available every day I got a shock when on one morning I was served with a memo that I was disqualified from being a member I appealed to Government and they were pleased to allow the appeal and set aside the order of the President

When my appeal to Government was being considered, the President passed an order withdrawing all the powers deputed to the Vice-president without obtaining any orders, general or special, from Government I naturally thought that in the absence of myself as Vice-president the President had passed a memo for the temporary supervision of the sections which were in my charge When I went to the office not a single paper or file was brought to me and I began to look as though I were a stranger I wanted the clerks as usual to bring the papers but they gave me to understand that the President's orders were to the contrary When I sent a note to the manager in the matter the President was pleased to send me copies of two memo numbers of 4-9-35 and 5-9-35, which related to the withdrawal of the deputation of all the powers of the Vice-president and the redistribution of the same among the Revenue officer, the Health officer, the Municipal Engineer

nd the I esident In reply to my letter dated and October 3o stating that those memo numbers egarding the withdr al and redistribution were consequent on his order di qualifying me from membership of the council, he wrote back to state in his letter dated 3rd October 1935 that it was not consequent on and had nothing to do with the disability incurred by me or my absence from the office In my letter dated 4th October 1935 I pr yed for letting me know the reasons which might have prompted such a course I sent him reminders on the 21st October 1935 nd 4th November 1935 to which I got finally a repl without disclosing any re sons whatsoever but only stating that in view of the memo dated 4th September 1935 the question of directing the departments or sections concerned to send their papers to me did not arise

The Regulation specially provides for the election of a non-official councillor as Vice-president and provides for deputation of powers to him in accordance with orders of Government Obiously the idea is that he should not be a mere nominal figurehead bereft of any duties or powers but he should have some definite functions and cooperate in the work of the executive The question arises whether the president is justified in depriving me of all powers and that without assigning any reasons whatever and when as acknowledged by all persons I had crowded in a few months the work of as many years. Would not the question arise whether that kind of treatment to a self-respecting me ber is fair and deserved? I wish to state that the President did not chose to place the matter before the Municipal Council either Months passed like this and the President as well as the council kept on without taking further notice of the matter Meantime not a single paper was placed before me and there I was wasting away precious days, seeing that the many good things that were done in the market and elsewhere were lapsing into the old order of disorder and neglect

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I beg to refer to another matter where the President did an equally grave wrong to me His predecessors would leave the Vice-president to be in charge of the office of the president when the latter went on leave as required by S 26 Cl 2 of the Regulation Mr B T Keshav Iyengar himself had many a time gone on leave leaving me in charge of the office The Regulation makes it clear beyond doubt that in the absence of the president on leave the vice-president should exercise the duties of the president The President went on leave on 3rd Feb 36 asking the Municipal Engineer, a subordinate official of the Municipal Council and one who was not even ~~xxxxxxx~~ a member of it, to be in charge of the Office of the President I pray for a dispassionate inquiry into the matter and whether the obligatory provision of the Regulation could be nullified in any other manner If, of course, the president had resigned for the time being and Government had appointed the municipal engineer as president, as it happened before, it would be quite different My appeal to Government in this respect may not have been liked by the President

My being without any definite work created a state of suspense which could not last for long without serious reflection on the municipal adminsteration The President issued a memo on the 20th ~~July~~ January 1936 deputing power of supervision over (a) schools section and (b) Hackney carriage section (general supervision excepting revenue collections) I replied on the 24th January requesting the President to let me know whether he was acting in accordance with the orders of Government, general or special as required under S 26, Cl 1 of the Regulation He sent no answer to that to the effect that no orders of Government have been obtained or received in regard to the matter I then had to write to him that so long as the Regulation which binds the Vice-president no less than the President, is insistent on obtaining ~~of~~ general or special orders of Government, I could not ignore it These were the words I used 'I have made representations to Government in the matter and I am going to wait the orders

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orders of Government as regards your capacity to depute or withdraw without reference to the orders of Government in the matter I am very sorry I am compelled to adopt this course but I cannot help in the circumstance

I addressed a letter dated 14th February 1936 to Government detailing the facts and circumstances, where also I said that the same thing and prayed in the end that 'Government may be pleased to pass orders as regards the capacity of the President to act under S 26, Cl (1) without the general or special orders of Government in that behalf and to issue such general or special orders as Government may deem fit in the circumstances to enable me to do my bit as before for the council " May I add that to ask me who had done so much work in the administration of markets, parks, sewage farm avenues etc , to be only in charge of Hackney carriages and School Board correspondence, both of which would entail no work worth the name, was only like adding insult to injury I do pray that Government may be pleased to sympathise with an honorary non-official worker and realise what such treatment would mean particularly in the circumstances when I had my heart set on improving various sections under my charge In any case there I was awaiting the orders of Government on both the matters prayed for at the end of my letter of the 14th February 1936, namely to let me know whether the President had capacity to depute powers to the vice-president without obtaining orders general or special of Government and to pass orders, general or special in the matter

On this representation the Government were pleased to issue an endorsement dated 13th March 1936 informing me that Government do not accept my interpretation of S 26, Cl(1) of the Regulation and they cannot therefore interfere in the matter I, however, humbly submit that my prayer whether the President had capacity to act without orders of Government wasnot directly unanswered as also the need for passing orders as required by the Regulation

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There are two things which I beg to submit in this respect First, that it has been well settled that when an enactment lays down that a certain thing must be done in accordance with certain rules or bye laws or orders as here, the existence of such rules or bye laws or orders are a condition precedent to the validity of any action done under the enactment This principle has been laid down in a decision of our own High Court in the appeal filed by Mr U L Rama-chandra P o from the order of the Learned District Judge of Mysore in the Election Case in which Mr Ramachandra Rao was elected when rules and byelaws were not framed as required by law The election of Mr Ramachandra Rao was consequently set aside The Government have been pleased no doubt to say that they do not accept my interpretation, but the question still remains whether the action of the President is legal or illegal I do humbly pray that legal opinion may kindly be obtained in the matter and then my fate decided After all, I am bound by the decision of Government, which it would by my last desire to go against

The next point which I propose to deal with, is the effect of the endorsement of Government As I have already stated, I preferred to await the orders of Government in the matter in my appeal It was not the President's case that I had no right of appeal and that he would take action if I did not act according to his memo immediately If that was the idea he was at libert, to do so but he did not When he was appraised of the fact that I had appealed and that orders were passed thereon it was up to the President to have directed the papers of at least those two departments to be sent to me He did nothing of the kind My time was getting wasted in going to the office and sitting there for sometime and getting back He did not even ask me what I would do after the endorsement came from Government I would humbly submit that the neglect, if any, is with the President in not, in the first place, deputing to me any powers for months together and later in not sending any papers after receipt of the Government order

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I may be permitted to state a few words about the resolutution and how it came to pass Though the councillors knew about the entire situation they did nothing till June 1936 I circularised a letter among all the councillors as early as 22nd March 1936 placing before them all the facts They however kept quiet and it was only in June 1936 that Mr K N Venkatkrishnaya ~~xkxxx~~ asked a question about the matter When the President was asked as to why no action was taken for such a long time, the President instead of answering the question suggested that he would take action if they brought a resolution to the effect It is thereafter that Mr Venkatkrishnaya brought a resolution I was present at the meeting when it came up first Mr Venkatkrishnaya who had not probably enough support in the council then, himself was anxious for its being deferred The President also said that there was an anniversary of late Rao Bahadur Dhrmaprakash D Banumiah and would like its adjournment There were some of the councillors ~~xhhn~~ who later supported Mr Venkatkrishn ya who said that the rights of the council should not be given up and they would ask Mr Venkatkrishnaya to withdraw the ~~xxxkx~~ resolution or would oppose the same otherwise Hence the subject was deferred till the next meeting to take place on the 23rd August 1936 I could not attend the meeting on account of my illhealth Mr H C Dasappa wanted the subject to be deferred on the ground that I was absent and it was desirable to take up the matter in my presence But there ~~were~~ was the narrow majority which was in no mood to listen and an amendment of Mr Waliyulla to that effect was voted down The former resolution was abandoned and a new resolution was brought up at this meeting I pray that the whole minutes of the meeting may be kindly perused before passing orders on the subject It will be seen that while everybody says that I have neglected the duties deputed to me, there is not one among them who says that the deputation itself was legal or right - a point specifically raised by Mr D sappa and those others who opposed the resolution

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Some of the members who supported the resolution even went to the extent of saying that the President was guilty of neglect in not bringing the matter to the notice of the councillors It is significant to note that out of those who voted for the resolution Messrs A V Krishna Rao and K Nandi Basappa have subscribed to another ~~resolution~~ resolution stating that the action of the President in withdrawing and deputing powers to the Vice-president without obtaining orders from Government was against law and that therefore the President should withdraw the withdrawal and subsequent deputation How they could have a different mind at the particular meeting is not for me to say The minutes of that day's meeting have been corrected at the next meeting so far as the ~~following~~ is concerned It may kindly be noted that only 11 Councillors out of 28 have voted for the resolution If they had no confidence in me they could have brought a vote of no confidence against me But they have chosen to adopt this round about course to ask Government to interfere when the remedy lay in their hands

I beg to submit that while 11 councillors have by the majority they had on the 28th August carried the day, 14 councillors tabled a resolution as follows to be placed before a Special General Meeting

> That this House considers that the withdrawal of all powers and duties of the Vice-President and the later deputation of only two of them, by the President without obtaining the Special or General orders of Government in that behalf as required under Sec 26 Cl 1 is against clear provisions of Law and further calls upon the President to withdraw the said orders

The Special General Meeting was convened for the 23rd October 1936 when the resolution was moved and duly seconded There was a motion for its mere adjournment without specifying the date A point of order was raised that such a motion would be irregular as it contravened Sec 47, Cl 13 of the Regulation, but the President held it would be in order The Hon'ble Dhanakoti Shetty, himself signatory to the resolution, while avowing that he stood by the resolution and that the President's action was against law, brought a motion that the subject should be taken up after receipt of orders from Government on the previous resolution It was pointed out that that would be another way of torpedoing the resolution itself, for, as if the Government orders were favourable to the Vice-president it would be superflous or if unfavourable it would be quite unnecessary and ~~irrelevant~~ irrelevant It was also pointed out that it would be better that if Government had the considered opinion of the council on so important a matter It was one thing to say whether a section admitted of one interpretation or the other It was quite different when it came to a question of punishment by way of removal from the office, when the validity of the various actions would require closer examination Mr Mohamed Aliyulla brought in an amendment to the effect that instead of, after the receipt of Government order on the previous resolution, the meeting may be adjourned to the 1st November 1936 and it was duly seconded Mr Aliyulla's amendment should have been put to vote first as per rules, but the President chose to treat Mr Shetty's motion as an amendment, an unheard of procedure What is more, Mr Shetty accepted Mr Aliyulla's amendment Yet the President chose to put the original motion of Mr Shetty to vote and ignored Mr Aliyulla's I need hardly say that it was unfair to me and the house Even now I pray that the opinion of the council may kindly be taken on the matter before final orders are passed

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In conclusion I beg to submit that I have never neglected my work I have been attending to all the matters which law requires of me and have always been prepared to deal with sections the papers of which are sent to me If no papers are sent to me of any sections and I am charged with neglect of duties I submit I am not in the least answerable for the same Whoever is responsible for not sending me the papers is answerable to that charge I submit that nobody regrets more the unhappy situation than myself, but I have the satisfaction that I am not responsible for the situation and that I have done my bit for the Municipality I pray that I may be pardoned for this long note of explanation and that it will receive every sympathetic consideration I will be able to offer my personal explanation on matters arising under this note if another opportunity is given to me and I pray it may be given

I beg to remain,

Sir,

Your Most Obedient Servant,

Mohamed Ismail

9th November 1936

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Proceedings of the Government of His Highness
the Maharaja of Mysore

Read -

Letter No E T 626 dated 14th September 1936 from the President, Municipal Council, Mysore City, submitting the proceedings of the meeting of the Municipal Council held on 29th August 1936 that action be taken under Section 23(11) of the City Municipal Regulation against the Vice President of the Municipality for neglect of duties deputed to him by the President of the Municipal Council under Section 26(1 of the Regulation

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Order No

Dated Bangalore,

The President of the Mysore City Municipality has submitted for the orders of Governmer the following resolution passed at the meeting of the Municipal Council held on the 29th August 1936 -

"Resolved that as the Vice President has shov neglect in the discharge of his duties deputed to him by the President (since declared by the Government to be in order) and has been drawing a conveyance allowance of Rs 100 a month for the last eight months without doing any duty, the President shall take action against him under Section 23(11) of the City Municipalities Regulation and submit the same to Government for needful action"

From a perusal of the proceedings of the meeting and the connected papers received from the President, it is seen that the Vice-Presider Mr Md Sait, declined to perform the duties deputed to him by the President by his memo dated 20th January 1936 on the ground contending that ~~the President has no authority to issue~~

12 11 36

in the absence of general or special orders of Government, the President had no authority, under Section 26(1) of the City Municipalities Regulation, either to withdraw or vary the powers and functions deputed to the Vice President by the orders of the previous President

In February 1936 when Mr Md Sait wrote to Government questioning the authority of the President in this behalf, he was ~~definitely~~ informed that Government could not accept the interpretation he had placed on Section 26(1) of the City Municipalities Regulation and that they saw no reason to interfere with the President's discretion in the matter

In spite of this definite ruling of Govt , Mr Md Sait would appear to have persisted in ignoring the President's order and failed to perform the duties assigned to him

A copy of the Municipal Council's resolution was sent by the President to Mr Md Sait enquiring whether he had anything to say in the matter before the orders of Government were sought on the resolution Mr Md Sait submitted no explanation and questioned the President's authority for

Mr Mahomed Sait has since submitted a note of explanation which refers for the most part to matters which have no bearing on the question now at issue His explanation of the circumstances in which he failed to undertake the duties deputed to him by the President cannot be accepted as any justification of his default in this respect.

Mr Mahomed Sait has since submitted a note of explanation which refers for the most part to matters which have no bearing on the question now at issue His explanation of the circumstances in which he failed to undertake the duties deputed to him by the President cannot be accepted as any justification of his default in this respect.

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failed to perform the duties deputed to him They accordingly direct that under Section 23(11) of the City Municipalities Regulation Mr Md Sait be removed from the office of Vice-President of the Mysore City Municipal Council for neglect of duty

MS 11.11.36

Chief Secretary to Government

To

The President, City Municipal Council, Mysore
The Comptroller, Mysore Government

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PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

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R e a d -

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Order No L 3612-13/ ME36-36-10A
Dated, Bangalore, 14th November 1936

The President of the Mysore City Municipality has submitted for the orders of Government the following resolution passed at the meeting of the unicipal Council held on the 29th August 1936 -

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From a perusal of the proceedings of the meeting and the connected papers received from the President, it is seen that the Vice President Mr Mahomed Sait, declined to perform the duties deputed to him b the President in his memo dated the 20th January 1936 on the ground that in the absence of general or special orders of Government, the President had no authority, under Section 26 (1) of the City Municipalities Regulation, either to withdraw or vary the powers and functions deputed to the Vice President by the orders of the previous President

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63

he had placed on section 26 (1) of the City Municipalities Regulation and that they saw no reason to interfere with the President's discretion in the matter

In spite of this definite ruling of Government, Mr Mahomed Sait would appear to have persisted in ignoring the President's order and failed to perform the duties assigned to him

A copy of the Municipal Council's resolution was sent by the President to Mr Mahomed Sait enquiring whether he had anything to say in the matter before the orders of Government were sought on the resolution Mr Mahomed Sait submitted no explanation and questioned the President's authority to ask for an explanation from him

An opportunity was given to Mr Mahomed Sait to explain his case personally before Government, but he ~~has failed to avail himself of it~~ did not appear on the date fixed for hearing and his request for ~~the~~ an adjournment ~~of the hearing,~~ on grounds of personal inconvenience, could not be complied with

Mr Mahomed Sait has since submitted a note of explanation which refers for the most part to matters ~~which refers for the most part to matters~~ which have no bearing on the question now at issue His explanation of the circumstances in which he failed to undertake the duties deputed to him by the President cannot be accepted as any justification of his default in this respect

On a careful consideration of all the circumstances, Government have come to the conclusion that the Vice President Mr Mahomed Sait has deliberately and without sufficient justificatio failed to perform the duties deputed to him They accordingly direct that under Section 23 (11) of the City Municipalities Regulation Mr Mahomed Sait be removed from the Office of Vice President of the Mysore City Municipal Council for neglect of duty

14/11

2 Chief Secretary to Government
14/11/36

To The President, City Municipal Council,
The Comptroller to Government.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

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* * *

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Dated, Bangalore, the 14th November 1936

- - -

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From a perusal of the proceedings of the meeting and the connected papers received from the President, it is seen that the Vice-President Mr Mahomed Sait, declined to perform the duties deputed to him by the President in his memo dated the 20th January 1936 on the ground that in the absence of general or special orders of Government, the President had no authority, under Section [illegible] Municipalities Regulation, either to withdraw or [illegible] entrusted to the Vice-President by the

[illegible] Mahomed Sait wrote to Government [illegible] of the [illegible] behalf, he was [illegible] ion he

65

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Chief Secretary to Government

To

The President, City Municipal Council, Mysore

" Comptroller to Government

By Regd Post
G T 47 Enc 30 Papers
10 11 36

Ch Secy's Instructions
Action accordingly 12/11/36

M A SREENIVASAN
PRESIDENT

CITY MUNICIPAL OFFICE
MYSORE

November 10 1936

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Dear Sir

As desired by you I submit herewith the relevant papers relating to the deputation of powers to the Vice-Presidert

Yours sincerely

M A Sreenivasan

B T Kesaviengar Esq P A
Chief Secretary to the
Government of Mysore BANGALORE

(ENC ONE FILE)
Thirty papers

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Appendix F G—1]

SUBJECT

Section

File No

Serial No

No L 3515

Diary No of letter replied to

To

Dear Sir,

General and Revenue Secretariat

( )

the *193*

I am desired to acknowledge the receipt of the ~~(20)~~ papers relating to the delegation of powers to the Vice President received with your D o letter No C-T 47 dated 10-11-36

Yours sincerely

12/11/36

Date of issue 12-11-36

Signed by B M

M A Sreenivasaiya B.A.

President, City Mcl, Mysore

List of enclosures

Copied by

Examined by

WD 619-6-4-GRB—22 500-12 & 34

HIS HIGHNESS THE MAHARAJA OF MYSORE,

General and Revenue Secretariat

Dated Bangalore 27th Novr' 1936. 68

-L 3938

2936-

NOTIFICATION

Under Section 23 (11) of the Mysore City Municipalities Regulation, 1933, Government direct the removal of Mr. Mahomed Sait from the Office of the Vice President of the Mysore City Municipal Council for neglect of duty.

By Order,

Sd B T Kesavaiengar,

Chief Secretary to Government.

Memo No. C.S.[illegible]/ 29/11/36

Copy of the above is forwarded, with compliments to the President, City Municipal Council, Mysore for information The records received with his letter No C-f 47 dated 10th November 1936 are herewith returned

By Order,

For Chief Secretary to Government.

Rmr

TSS

Ref 36-36-14

L 3938 69

Notification

Under Section 23 (11) of the Mysore City Municipalities Regulation 1933, Government direct the removal of Mr Mahomed Sait from the Office of the Vice President of the Mysore City Municipal Council for neglect of duty

By order,

16/11/36

Chief Secretary to Government

To

The Compiler, Mysore Gazette for publication

Memo

Copy of the above is forwarded, with compliments, to the President, City Municipal Council, Mysore for information The records connected with his letter no C-7 47 dated 10 11 36 are herewith returned By order,

16/11/36

Chief Secretary to Government